IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 21431 of 2007(B)

PETITIONER:

C.G.THANKACHAN,
CHARAKKAL PUTHEN VEEDU, UMMANNOOR P.O.,
KOTTARAKKARA, KOLLAM DISTRICT.

BY ADV. SRI.S.ABDUL RAZZAK

RESPONDENTS:

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1. THE ASSISTANT PROVIDENT FUND
COMMISSIONER, BHAVISHYANIDHI BHAVAN, PATTOM P.O.,
THIRUVANANTHAPURAM- 695 004.

2. THE ENFORCEMENT OFFICER (RECOVERY),
EMPLOYEES' PROVIDENT FUND REGIONAL OFFICE,
BHAVISHYANIDHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM-04.

3. SMT.ANU THANKACHAN,
PROPRIETOR, NITHIN CASHEW INDUSTRIES,
NILAMEL, KOLLAM, RESIDING AT CHARAKKAL PUTHEN
VEEDU, UMMANNOOR P.O., KOTTARAKKARA,
KOLLAM DISTRICT.

BY SMT. GIRIJA – SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.21431 OF 2007

DATED THIS THE 12th DAY OF JULY, 2007

JUDGMENT

The contention of the petitioner in this writ petition is that for enforcing Ext.P1 order passed against the wife of the petitioner, by Ext.P6 the petitioner's property has been proclaimed for sale which according to him is against law. According to him for contributions under the Employees Provident Fund and Miscellaneous Provisions Act from the wife of the petitioner, the petitioner's property cannot be proceeded against. Therefore, the petitioner seeks quashing of Ext.P6 to the extent it directs sale of his property.

2. I have heard the learned standing counsel appearing for the Provident Fund Oganisation also. Respondents 1 and 2 do not dispute that the liability to pay the amounts covered by Ext.P1 is on the 3rd respondent, wife of the petitioner. They also have no case that the property mentioned in Ext.P6 belongs to the 3rd respondent. That being so, I am satisfied that the property mentioned in Ext.P6 cannot be proceeded against. Accordingly, I quash Ext.P6 in so far as it proclaims sale of petitioner's property. However, this shall not preclude the respondents 1 and 2 from proceeding against the 3rd

respondent in accordance with law.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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